

PROB 12B
(7/93)Report Date: April 21, 2011
FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**United States District Court**

for the

APR 22 2011

Eastern District of WashingtonJAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)**Name of Offender: Martin Alejandro Amezcua
Gutierrez

Case Number: 2:09CR00117-WFN-001

Name of Sentencing Judicial Officer: The Honorable William Fremming Nielsen

Date of Original Sentence: 2/15/2011

Type of Supervision: Supervised Release

Original Offense: Misprision of a Felony

Date Supervision Commenced: 2/15/2011

Original Sentence: Prison - 330 Days; TSR - 12
Months

Date Supervision Expires: 2/14/2012

PETITIONING THE COURT

to modify conditions of supervised release by adding the condition:

Special condition 21: You shall complete a mental health evaluation and follow any treatment recommendations, as recommended by the treatment provider. You shall allow reciprocal release of information between the supervising probation officer and treatment provider. You shall contribute to the cost of treatment according to your ability.

CAUSE**Violation Number** **Nature of Noncompliance**

1 Condition #17: You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Mr. Gutierrez admitted to this officer and law enforcement that he used cocaine on or about Saturday, April 16, 2011, while at a friend's barbeque.

2 Condition #18: You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Mr. Gutierrez admitted to this officer that he consumed 10 to 15 beers on or about Saturday, April 16, 2011, while at a friend's barbeque.

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On April 20, 2011, Mr. Gutierrez spoke sincerely to this officer about the great deal of stress in his personal life that caused him to recently relapse with alcohol and cocaine. He came forward and disclosed his use without any prior questioning on the issue. He has requested mental health counseling to deal with the stress. He does not have the funds to pay for such treatment, so he has signed the appropriate form to add such a condition to allow for U.S. Probation Office funds to cover the expense. He previously completed intensive outpatient substance abuse treatment and an aftercare program in January 2011. A referral for the mental health counseling evaluation would help in determining how to better address his needs. He provided a urine sample to this officer on April 20, 2011, and it tested negative for illegal drugs. The frequency of his urinalysis testing is being increased. He has complied with the remaining conditions of his supervision. He is employed and resides at the residence of his girlfriend. This officer believes that based upon his overall adjustment, no action beyond the requested modification is necessary at this time.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on:

April 21, 2011

James A. Moon

James A. Moon
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above
☐ Other

[Signature]
Signature of Judicial Officer

4/22/2011
Date